THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2490 of 2007

Date: 23.02.2007

Between:
P.Mahaboob Pasha

....Petitioner

and

The Central Power Distribution Company of
Andhra Pradesh Limited (AP TRANSCO) & others.

....Respondents

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The petitioner challenges an order of assessment, dated 16.02.2004, passed by the Divisional Engineer, the third respondent herein and affirmed by the Superintending Engineer, the second respondent herein, in SAP No.4767/D.No.882/2005. The main ground urged on behalf of the petitioner is that the procedure followed by the respondents in passing the order of assessment is contrary to the provisions of Section 126 of the Electricity Act, 2003 (for short 'the Act').

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is true that Section 126 of the Act prescribes a different procedure than the one, which was prevailing earlier thereto. It, however, emerges that though the proceedings in the present case were initiated after the Act came into force, Section 126 of the Act became enforceable with effect from 10.12.2003 in view of the notification issued through G.O.Ms.No.90 (Energy Department), dated 04.08.2003. The proceedings against the petitioner were initiated earlier thereto. When the same was pointed out, the learned counsel for the petitioner sought permission of this Court to amend the writ petition to challenge the notification itself. This Court is of the view that the amendment to the present writ petition would not subserve the petitioner and he can as well file a separate writ petition.

For the foregoing reasons, the writ petition is dismissed, leaving it open to the petitioner to file a separate writ petition assailing the notification contained in G.O.Ms.No.90, dated 04.08.2003, if he is so advised. There shall be no order as to costs.

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23.02.2007

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